IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Mat.Appeal.No. 395 of 2007()

OPDIV.220/2005 of FAMILY COURT, THODUPUZHA
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PETITIONERS: APPELLANTS/RESPONDENTS
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1. BIJU @ THOMAS, S/O. THOMAS,
KURUVIKKATTU HOUSE, KUZHIKANDAM KARA,
KUZHITHOLU, IDUKKI DISTRICT.

2. THOMAS, S/O. THOMAS,
KURUVIKKATTU HOUSE, KUZHIKANDAM KARA,
KUZHITHOLU, IDUKKI DISTRICT.

BY ADV. SRI.UNNIKRISHNAN V.ALAPAT

RESPONDENT: PETITIONER

BINDU @ ELSY, D/O. MATHEW,
THARAKANPARAMBIL HOUSE, 8TH MILE KARA,
ANAKKARA VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.GEORGEKUTTY MATHEW

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

Matrimonial Appeal No. 395 of 2007

Dated this the 11th day of October 2007

JUDGMENT

Kurian Joseph,J

This is an appeal filed against the order dated 16-10-2006 on the file of the Family Court Thodupuzha in O.P 220/2005. As per the said order the petition filed by the respondent was decreed directing to refund the amount said to have been paid to the appellants and also the gold ornaments/its value. It is an exparte order. Having regard to the averments in the Original petition and having extensively heard the counsel on both sides, we are of the view that in the interests of justice and in the interests of parties, the appellants shall be given an opportunity to have their grievances pursued on merits by putting the appellants to terms. In that view of the matter it is not necessary for this Court at this stage to go into the merits of the case.

Accordingly we set aside the order under appeal and remit the matter to the Family Court, Thodupuzha . The parties will appear before the Family Court on 19-11-2007. The Family Court shall dispose of the matter within another three months. The appellants shall pay Rs. 2,500/- to the respondent through the counsel appearing before this court within two weeks from today and file a memo before the Family Court, if not, the appeal will stand dismissed.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID,JUDGE

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